

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Machelle R. Collins,

Plaintiff,

v.

Case No. 1:09cv510

Commissioner of Social Security,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on March 2, 2010 (Doc. 16).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's complaint is **DISMISSED** for lack of prosecution consistent with the opinion by the Magistrate Judge.

A certificate of appealability will not issue pursuant 28 U.S.C. § 1915(a) as the Court certifies that an appeal of this Order adopting the Report and Recommendation would not be taken in "good faith," and therefore **DENIES** plaintiff leave to appeal *in forma pauperis*.

However, Plaintiff being a non-prisoner may pursue leave in the Court of Appeals to proceed *in forma pauperis*. See Fed. R. App. P. 24(a)(5).

IT IS SO ORDERED.

S/Michael R. Barrett
Michael R. Barrett
United States District Judge